

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS


UNITED STATES OF	)	
AMERICA	)	
	)	
VS.	)	NO. 03-10377-wgy
	)	
ERIC LINO,	)	
Defendant	)	

**NOTICE OF DEFENDANT'S RESERVATION OF RIGHTS TO FILE  
SUBSTANTIVE AND/OR EVIDENTIARY MOTIONS UNTIL THREE (3)  
WEEKS BEFORE TRIAL PENDING PRODUCTION OF DISCOVERY**

The Defendant, Eric Lino, moves that this Court acknowledge and allow his intent to file substantive and/or evidentiary motions until three (3) weeks before trial, should the need arise.

As grounds, the Defendant states that he has not yet received discovery material his counsel requested from the prosecution (see attached letter). The Defendant maintains that he is entitled to this material, and that he should be allowed to file any appropriate motions that might arise from the material, should it be provided.

Respectfully submitted,  
FOR THE DEFENDANT,

  
\_\_\_\_\_  
Barry P. Wilson  
BBO# 529680  
LAW OFFICES OF BARRY P. WILSON  
240 Commercial Street  
Suite 5A  
Boston, MA 02109  
(617) 248-8979

Dated: August 23, 2004

June 22, 2004

David Tobin, Esq.  
Assistant U.S. Attorney  
United States Courthouse  
Suite 9200  
1 Courthouse Way  
Boston, MA 02210

**RE: *United States v. Eric Lino***  
***No. 03-10377-WGY***

Dear Mr. Tobin:

Appreciating the local rules of United States District Court for the District of Massachusetts, I would still request that you provide me the following discovery in an effort to see if this matter can be resolved short of trial. Obviously, without said material, I can not begin to evaluate the case and have an intelligent discussion with my client as to his entertaining a plea.

The material that I request is the following:

- A. The name of the confidential source and all DEA- 6 reports as well as any grand jury testimony. Your predecessor indicated that the Government did not intend to call him in their case-in-chief, but he is an alleged percipient witness to the deals on February 10, 2003 and June 18, 2003. therefore, I believe I am entitled to said material, and it is only a question of when I receive it, not if I receive it.
- B. The coached debriefing of the confidential source (February 7, 2003) without parts of paragraphs blanked out.
- C. Any other material statements or grand jury testimony of any witnesses you intend to call at trial..

As I indicated, I believe I am entitled to all this material for a variety of reasons. It is only a question of timing. This situation is further compounded by recent decisions concerning the guidelines and your response can only help me determine if there will be a plea in this case, as well as the parameters of any trial.

I await your response.

Very truly yours,

Barry P. Wilson

BPW/rgd

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF  
AMERICA

VS.

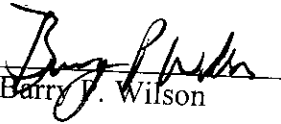
ERIC LINO,  
Defendant

NO. 03-10377-wgy

**CERTIFICATE OF SERVICE**

I, Barry P. Wilson, do hereby certify that I did serve one (1) copy of the within "Notice Of Defendant's Reservation Of Rights To File Substantive And/Or Evidentiary Motions Until Three (3) Weeks Before Trial Pending Production Of Discovery," by United States Mail, postage pre-paid and fax on Monday August 23, 2004, to David Tobin, A.U.S.A., United States District Court, 1 Courthouse Way, Suite 9200, Boston, MA 02210.

Date: August 23, 2004

  
Barry P. Wilson